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HOUSE BILL 591

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING A SALARY STANDARD FOR  
ADJUNCT AND OTHER NONTENURE-TRACK FACULTY; PROVIDING FOR THE  
RESTORATION OF FULL-TIME TENURED OR TENURE-TRACK FACULTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. FACULTY STANDARDS--REQUIREMENTS FOR PERCENTAGE  
OF TENURED OR TENURE-TRACK FACULTY--SALARIES--HEALTH CARE.--

A. Each public post-secondary educational  
institution shall determine the number of undergraduate courses  
taught by adjunct faculty, other contingent faculty, tenure-  
track faculty and tenured faculty in each academic department.  
Those academic departments with at least eight full-time-  
equivalent positions that do not have seventy-five percent of  
the courses taught by tenured or tenure-track faculty shall,  
beginning with the 2007 academic year, and in each succeeding

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1 year, increase the share of courses taught by full-time tenured  
2 or tenure-track faculty. By the beginning of the 2013 academic  
3 year seventy-five percent of courses taught in each academic  
4 department at each public post-secondary educational  
5 institution shall be taught by tenured or tenure-track faculty.  
6 In no academic year between the 2007 academic year and the 2013  
7 academic year shall any department have less than a one-tenth  
8 reduction in the gap between the percentage of undergraduate  
9 courses taught by tenured or tenure-track faculty and the  
10 required seventy-five percent.

11 B. Each public post-secondary educational  
12 institution shall create a plan to meet the requirements  
13 specified in Subsection A of this section. In its plan, the  
14 institution shall state how it intends to meet the state  
15 requirement of seventy-five percent tenured or tenure-track  
16 faculty by 2013; provided that the plan shall not rely on  
17 eliminating current adjunct or other nontenure-track faculty  
18 positions, but by creating new opportunities for adjunct and  
19 other nontenure-track faculty to attain full-time, tenure-track  
20 positions and by filling vacancies in tenure or tenure-track  
21 positions.

22 C. Each public post-secondary educational  
23 institution shall establish a process by which adjunct and  
24 other nontenure-track faculty, after successful completion of a  
25 reasonable probationary period and consistent with

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1 institutional and state policies, receive timely notice of and  
2 priority consideration for adjunct or nontenure-track teaching  
3 assignments in future academic terms. Each institution shall  
4 create a process for ensuring that qualified nontenure-track  
5 faculty receive preferential consideration for tenure-track  
6 positions when they become available, consistent with  
7 institutional and state personnel policies. The process shall  
8 ensure that adjunct and other nontenure-track faculty:

- 9 (1) accumulate seniority;
- 10 (2) are notified of job openings prior to the  
11 job being posted outside the institution; and
- 12 (3) have preferential consideration for  
13 appointments.

14 D. By the 2007 academic year, each public post-  
15 secondary educational institution shall determine a pro-rata  
16 salary plan for adjunct and other nontenure-track faculty  
17 employed in each academic department based on salaries of  
18 tenured and tenure-track faculty of comparable qualifications  
19 doing comparable work. The pro-rata salary plan shall be  
20 developed during collective bargaining with the exclusive  
21 representatives of the adjunct and other nontenure-track  
22 faculty or, in the absence of collective bargaining, by a  
23 committee representing all elements of the faculty of the  
24 institution and the administration. The pro-rata plan shall  
25 provide for progressive salary increases for adjunct and other

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1 nontenure-track faculty so that by the 2013 academic school  
2 year the salaries of those faculty are at least eighty percent  
3 of comparable tenured and tenure-track faculty.

4 E. If an adjunct or other nontenure-track faculty  
5 member at a public post-secondary educational institution  
6 carries at least fifty percent of the established teaching load  
7 of tenured and tenure-track faculty, the adjunct or other  
8 nontenure-track faculty member shall be eligible for the same  
9 health care benefits as tenured and tenure-track faculty.

10 F. The provisions of this section shall be subject  
11 to collective bargaining with the exclusive representatives of  
12 the adjunct and other nontenure-track faculty.